

**CHAPTER NO. 284**

**SENATE BILL NO. 2263**

**By Kyle, Ketron, Cooper, Miller**

**Substituted for: House Bill No. 2280**

**By McMillan, Sherry Jones**

AN ACT to amend Tennessee Code Annotated, Section 68-120-101 and 68-120-204, relative to building codes and standards.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subsection (a)(2), and substituting the following:

(2) May be selected wholly or partially from publications or amended versions of publications of nationally recognized agencies or organizations, such as the International Code Council, Inc., the National Fire Protection Association, Inc., and Underwriters Laboratories, Inc.;

SECTION 2. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subsection (b)(2)(A) and substituting the following:

(2) However, such standards do not apply to any building, other than state buildings, educational occupancies or any other occupancy requiring an inspection by the state fire marshal for initial licensure, located within the jurisdiction of a local government which certifies in writing to the state fire marshal that:

(A) It has adopted a building construction safety code consisting of the International Building Code (published by the International Code Council, Inc.) and either:

(i) International Fire Code (published by the International Code Council, Inc.); or

(ii) The Uniform Fire Code (published by the National Fire Protection Association, Inc.) if adopted on or after the effective date of this act; and

SECTION 3. Tennessee Code Annotated, Section 68-120-101, is amended by deleting subsection (b)(3)(C).

SECTION 4. Tennessee Code Annotated, Section 68-120-204, is amended by deleting subdivision (a)(1), substituting the following, and renumbering the subsequent existing subdivision (a)(2) as (a)(3):

(a)(1) Any public building which is constructed, enlarged, or substantially altered or repaired after the effective date of this act, shall be designed and constructed pursuant to specifications, approved by the responsible authority, making such building accessible to and usable by physically handicapped persons. The minimum specifications, except as provided in § 68-120-205 and paragraph (2) of this subsection, shall be the 2002 North Carolina Accessibility Code with 2004 Amendments, and any further amendments, supplements or subsequent editions, or any other code as the state fire marshal determines by rule, or the currently enforced Uniform Federal Accessibility Standards (UFAS), or the currently enforced Americans with Disabilities Act Accessibility Guidelines (ADAAG). The minimum specifications for a project shall be those in effect at the time the project is submitted to the responsible authority for final approval of the construction, enlargement, alteration, or repair.

(2) For public buildings for which a local building inspector is the responsible authority, a local government may select handicapped accessibility specifications from the codes or publications listed in subdivision (a)(1) of this section or from the codes or publications of other nationally recognized agencies or organizations.

SECTION 5. For purposes of effectuating the intent of this act, the state fire marshal is authorized to promulgate rules by public necessity pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 6. This act shall take effect immediately upon becoming law for the purposes of rulemaking and shall take effect on July 1, 2006, for all other purposes, the public welfare requiring it.

PASSED: May 16, 2005

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of May 2005

  
PHIL BREDESEN, GOVERNOR